

WASTE MANAGEMENT COUNCIL

Minutes of May 17, 2007

**State of New Hampshire
Department of Environmental Services
29 Hazen Drive, Rooms 112, 113 and 114
Concord, New Hampshire 03301**

MEMBERS PRESENT: G. Bradley Richards, Chairman; Ronald Allard; Michael Blayney; Charles Connell; Arthur Cunningham; Anthony Illacqua; Nancy Kinner; Elaine Lauterborn; Mark Lennon; David J. Tooley; Carl Quiram; and Duncan Watson. A quorum was present.

NHDES: Thomas S. Burack, Commissioner, NHDES
Paul Heirtzler, P.E., Administrator, Waste Programs
Karlee Kenison, P.G., Hazardous Waste Remediation Bureau
Frederick J. McGarry, P.E., DEE, Assistant Director,
Waste Management Division
John Regan, P.G., Hazardous Waste Remediation Bureau

GUESTS: Karen Irwin

(1) Introduction

- (A) Chairman Richards brought the meeting to order at 10:04 a.m. verifying that a quorum was present.

(2) Pending Business

- (A) Acceptance of Minutes for Meeting March 15, 2007: A motion was made to accept the Minutes of the March 15, 2007 meeting. Motion made by Mr. Allard, seconded by Mr. Quiram.
- (B) Schedule of Next Meeting: The next meeting is scheduled for June 21, 2007 and will be held at the NHDES offices.

(3) Guest Speaker: Thomas S. Burack, Commissioner, Department of Environmental Services

Commissioner Burack gave a brief synopsis to the Council regarding the most recent legislation.

- HB 427, an act relative to construction and demolition debris.
- HB 428, an act relative to prohibiting the combustion of construction and demolition waste.

Commissioner Burack invited the Council to attend an upcoming Task Force on the Reduction, Reuse, and Recycling (3R) of Construction and Demolition Debris (C&D). The goals of the 3R Task Force are to solicit input from stakeholders for development of a comprehensive statewide management plan for C&D and to identify concrete steps that DES and others can take to increase the reduction, reuse and recycling of C&D in New Hampshire. The 3R Task Force is scheduled to meet on May 18, 2007.

10:30 a.m. – Ms. Kenison and Mr. Regan arrived.

(4) Construction and Demolition Debris:
Paul L. Heirtzler, Esq., Administrator, Waste Programs

Mr. Heirtzler gave a brief synopsis to the Council regarding the most recent legislation.

- HB 54, establishing a commission to study automobile recycling issues. Voted ought to pass in senate transportation committee.
- HB 472-FN, increasing fees for hazardous waste management and contaminated site cleanup and changing reporting requirements. Voted ought to pass in senate environment committee.
- HB 503-FN, relative to establishing a solid waste management fund and assessing a surcharge for the disposal of solid waste. Retained in house Environment and Agriculture (E&A) committee. E&A is looking at alternate revenue generating method \$0.01 per container fee.
- HB 540-FN, relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee. Retained in house E&A committee. To be combined with HB 503.
- HB 877-FN, relative to the state recycling program. Requires state agencies and legislature to recycle products for which there are markets. Retained in house E&A committee for more work.
- HB 924-FN, relative to the deconstruction of buildings. Would require deconstruction for state funded projects. Retained in house E&A committee for more work.

(5) Legislation Affecting the Waste Management Division:
Frederick J. McGarry, P.E., DEE, Assistant Director

Mr. McGarry provided a copy of information regarding legislation the Waste Management Division is tracking. He gave a brief synopsis on each of the following bills:

- HB 98, subjects waste disposal facilities on land owned and operated by one municipality within another municipality to the same use regulations as a private entity.
- HB 201, recycling and reconstituting the recycling markets committee.
- HB 405, an act establishing a committee to study the disposal of end of life vehicles.
- HB 416, relative to mercury reduction.

- HB 427, an act relative to construction and demolition debris.
- HB 428, an act relative to prohibiting the combustion of construction and demolition waste.
- HB 474, an act excluding septic and sewage treatment facilities from the tax exemption for water and air pollution control facilities.
- HB 533, Occupational Safety and Health Administration Certification requirements for state contracts (only applies to construction contracts).
- HB 672, establishing a commission to study requirements for safe secure landfills (16 member commission, no reference that the Waste Management Council will be participating).
- HB 688, establishes a council on the relationship between public health and the environment.
- HB 903-FN, an act prohibiting delivery of oil to non-compliant underground storage facilities (“Red Tagging”, prohibit the delivery of product, if their not in compliance.).
- HB 907-FN, an act relative to the sale, distribution, and disposal of certain mercury-added products.
- SB 71, increases the setback requirements for new landfills located near designated rivers, making the rural rivers protection program similar to the current natural river protection language.
- SB 207, extend the reporting deadline of the committee to study the funding necessary to operate the hazardous materials program (regional hazardous mitigation teams).

**(6) Construction and Demolition Debris Continued:
Karen Irwin, REACH**

Ms. Irwin is asking for the Council’s support on the ban of C&D and the secure landfill bill, which both support the premise of having the State manage the waste streams and divert marketable components.

11:12 a.m. – Non-public session.
11:25 a.m. – Meeting Reconvened.

Ms. Irwin provided a copy of information regarding C&D, which includes information regarding the tons of solid waste reported to legislature by DES in 2006. She gave a brief synopsis regarding HB 672, which establishes a commission to study requirements for safe secure landfills.

Ms. Irwin continued further with discussion regarding construction and demolition debris and answered several questions from the Council.

**(7) Soil Remediation Standards Rulemaking
John Regan, P.G. and Karlee Kenison, P.G.**

Mr. Regan and Ms. Kenison reviewed revisions to the soil remediation standards as set forth in a table listed in Env-Or 606.19(b), Table 600-2.

**(8) Notification of Property Owners within a Groundwater Management Zone:
John Regan, P.G. and Karlee Kenison, P.G.**

Mr. Regan gave a brief synopsis regarding the procedures for notifying property owners within the Groundwater Management Zone (GMZ). Mr. Regan continued further with discussion regarding the process and answered several questions from the Council.

A motion was made to accept the proposed changes regarding the procedures for notifying property owners within the GMZ. Motion made by Mr. Allard, seconded by Mr. Quiram. All in favor.

12:15 p.m. – Council adjourned for lunch.

1:05 p.m. – Meeting reconvened.

(9) New/Old Business

The Council further discussed their concerns relative to C&D. Chairman Richards suggested that Council members attend the upcoming Task Force on the Reduction, Reuse, and Recycling (3R) of C&D.

(10) Adjournment

At 1:45 p.m., Mr. Watson moved to adjourn the meeting. Mr. Blayney seconded. The Council unanimously agreed to adjourn.

*Respectfully submitted by Almorinda M. Samson, Waste Management Council Clerk.
A copy of the audio taped recording of this meeting is available upon request. Please contact Ms. Samson at (603) 271-2905 for more information.*